

REMARKS

Discussion of Claim Amendments

No claim amendments have been made. Claims 1-8 and 15-26 are now pending in this application.

Discussion of Rejection of Claims under 35 U.S.C. § 102(b)

Each of the independent Claims 1 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Stern (US 5,771,321). Applicant respectfully traverses this rejection.

Claim 1

Stern neither discloses nor teaches “adhering the substrate to a protection structure with a first adhesive to form a cavity for enclosing the micro electro mechanical structure, wherein a sidewall of the cavity has at least one opening; and removing the sacrificial layer by a release etching process with an etching reagent through the opening to form an optical interference reflection structure” as recited in Claim 1. In rejecting Claim 1, the examiner seems to refer to the teaching in col. 43, lines 17-39 for a disclosure of the process of adhering, and the teaching in col. 42, line 4-26 for a disclosure of the processing of removing.

Stern relates to a process of manufacturing a display. In the process, a light storage plate 200 and a viewing substrate 206 are made separately and then assembled together. See col. 36, line 27 to col. 37, line 39 of Stern. Stern teaches in col. 42, lines 4-26 that, as a part of the process of making the viewing substrate 206, the entire substrate is submerged into an etch solution to remove the poly-Si sacrificial layer. Stern in col. 43, lines 17-39 teaches aligning the light storage plate 200 with the viewing substrate 206 and applying an adhesive sealant along the edge therebetween. Clearly, the etching process of col. 42, lines 4-26 takes place before the assembly process of col. 43, lines 17-39.

Stern does not teach adhering the substrate to a protection structure to form a cavity “wherein a sidewall of the cavity has at least one opening.” Further, Stern does not teach removing the sacrificial layer with an etching reagent “through the opening” formed by the assembly process. Since the etching process of Stern happens prior to the assembly process, there is no cavity formed yet by the assembly process at the time of the etching process, much

less an opening in a sidewall of such an cavity. Further, Stern teaches submerging the entire substrate into an etch solution, instead of using an etching reagent through an "opening."

For at least these reasons, Claim 1 is not anticipated by Stern. Further, Claim 1 would not have been obvious in view of Stern. Withdrawal of this rejection is respectfully requested.

Claim 24

In addition, Stern neither discloses nor teaches "adhering the substrate to a protection structure to form a cavity for enclosing the micro electro mechanical structure, wherein the cavity comprises at least one opening; and passing an etching agent through the opening to remove the sacrificial layer" as recited in Claim 24. In rejecting Claim 24, the examiner seems to refer to the teaching in col. 43, lines 17-39 for a disclosure of the process of adhering, and the teaching in col. 42, line 4-26 for a disclosure of the processing of passing.

Similar to the discussion above with regard to Claim 1, Stern does not teach adhering the substrate to a protection structure to form a cavity "wherein the cavity comprises at least one opening." Further, Stern does not teach passing an etching agent "through the opening" formed by the assembly process to remove the sacrificial layer. Since the etching process of Stern happens prior to the assembly process, there is no cavity formed yet by the assembly process at the time of the etching process, much less an opening of such an cavity. Further, Stern teaches submerging the entire substrate into an etch solution, instead of passing an etching agent through an "opening."

For at least these reasons, Claim 24 is not anticipated by Stern. Further, Claim 24 would not have been obvious in view of Stern. For all of the above reasons, withdrawal of this rejection is respectfully requested.

Dependent Claims

Claims 2-8, 15-23, 25, and 26 are dependent either directly or indirectly on the above-discussed independent Claims 1 and 24. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Furthermore, although Applicant has not discussed the specific rejections to dependent claims, Applicant does not necessarily agree with the characterizations of the prior art

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made by the Examiner. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

Conclusion

In view of Applicant's amendments to the application and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

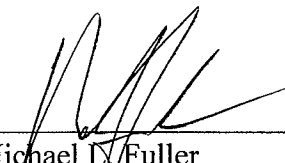
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

Sent 26, 2006

By: _____


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